

REMARKS

The present application was filed on January 2, 2002 with claims 1 through 35. Claims 1 through 35 are presently pending in the above-identified patent application. Claims 1, 2, 17, 18, 24, 25, 29, 30, and 32-35 are proposed to be amended
5 herein.

In the Office Action, the Examiner has asserted that the Information Disclosure Statement filed on January 2, 2002, fails to comply with 37 CFR 1.98(a)(2), and the drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) and 37 CFR 1.84(p)(5). The Examiner rejected claims 17 and 29 under 35 U.S.C. §112, second
10 paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, and rejected claims 1-2, 17-18, 20-25, and 28-30 under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. The Examiner also rejected claims 1-35 under 35 U.S.C. §102(b) as being anticipated by Laffra et al. (United States Patent Number 5,832,270).

Information Disclosure Statement

The Examiner has asserted that the Information Disclosure Statement filed on January 2, 2002, fails to comply with 37 CFR 1.98(a)(2).

As far as Applicants can determine, an Information Disclosure Statement was not filed on January 2, 2002. Applicants note that an Information Disclosure
20 Statement was filed on March 18, 2002 with a legible copy of each publication and that portion which caused it to be listed (as evidenced by a stamped return postcard in our file). If the Examiner does not have copies of the previously submitted references, he is respectfully invited to contact the undersigned attorney, and copies will be promptly submitted. Applicants are also submitting herewith a supplementary Information
25 Disclosure Statement.

Drawings

The drawings were objected to for failing to comply with 37 CFR 1.84(p)(4) and 37 CFR 1.84(p)(5). In particular, the Examiner notes that reference character "100" has been used to designate both a 'Tracing Mechanism' and an 'Analysis
30 Tool' in FIG. 1, and that reference numbers 510, 520, and 530 are incorrectly referred to as 210, 220, and 230 in the specification (page 7, line 9).

IN THE DRAWINGS:

Please amend FIGS. 1 and 2, as indicated on the attached marked-up copy of original FIGS. 1 and 2. No new matter is introduced.

FIG. 1 has been amended to change the reference character used to designate the 'Tracing Mechanism' and FIG. 2 has been amended to change reference numbers 510, 520, and 530 to 210, 220, and 230, respectively. Applicants respectfully request that the objections to the drawings be withdrawn.

Section 101 Rejections

Claims 1-2, 17-18, 20-25, and 28-30 were rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. In particular, the Examiner asserts that the claims fail to technologically embody the invention in a tangible medium (i.e., a computer readable medium), and consequently fail to produce a tangible or useful result. Regarding claims 33 and 35, the Examiner asserts that the cited claims fail to produce any result (i.e., providing results for analysis) and therefore only recite nonstatutory subject matter.

Applicants note that the Supreme Court has stated that the "[t]ransformation and reduction of an article 'to a different state or thing' is the clue to patentability of a process claim." *Gottshalk v. Benson*, 409 U.S. 63, 70, 175 U.S.P.Q. (BNA) 676 (1972). In other words, claims that require some kind of transformation of subject matter, which has been held to include intangible subject matter, such as data or signals, that are representative of or constitute physical activity or objects have been held to comply with Section 101. *See, for example, In re Warmerdam*, 31 U.S.P.Q.2d (BNA) 1754, 1759 n.5 (Fed. Cir. 1994) or *In re Schrader*, 22 F.3d 290, 295, 30 U.S.P.Q.2d (BNA) 1455, 1459 n.12 (Fed. Cir. 1994).

Thus, as expressly set forth in each of the amended independent claims, the claimed methods or system collect or trace details associated with a program task, and provide the collected or traced details for analysis. This transformation to a collection or trace of details for analysis provides a useful, concrete and tangible result.

Regarding claims 33 and 35, please note that the cited claims have been amended to require providing trace details and thus provide a result.

Applicants submit that each of the claims 1-35 are in full compliance with 35 U.S.C. §101, and accordingly, respectfully request that the rejection under 35 U.S.C. §101 be withdrawn.

Section 112 Rejections

Claims 17 and 29 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner asserts that there is insufficient antecedent basis for the limitation “said program task specification” in line 2 of the cited claims.

Claims 17 and 29 have been amended to require a specification associated with said program task. Applicants believe that these amendments address the Examiner’s concern and respectfully request that the section 112 rejections be withdrawn.

Independent Claims 1, 24 and 32-35

Independent claims 1, 24, and 32-35 were rejected under 35 U.S.C. §102(b) as being anticipated by Laffra et al.

Regarding claim 1, the Examiner asserts that Laffra discloses collecting details associated with a program task associated with said software system (col. 1, lines 61-63). Laffra utilizes non-conditional instructions embedded in the instruction stream to update the visualization on the graphical interface. Applicants note that a non-conditional instruction is executed whenever it is encountered in executing a program; thus, the instruction utilized by Laffra is not a condition for updating the visualization on the graphical interface. Laffra therefore does not disclose or suggest utilizing one or more conditions to collect details associated with a program task or to identify a program task. Independent claims 1, 24, and 32-35 have been amended to require collecting details associated with a program task associated with said software system based on a specification associated with said program task, wherein said specification contains one or more conditions to initiate a trace of said program task or monitoring said software system to identify said program task based on a specification associated with said program task, wherein said specification contains one or more conditions to initiate a trace of said program task.

Thus, Laffra does not disclose or suggest collecting details associated with a program task associated with said software system based on a specification associated with said program task, wherein said specification contains one or more conditions to initiate a trace of said program task, as required by independent claims 1, 32, and 34, as

amended, and does not disclose or suggest monitoring said software system to identify said program task based on a specification associated with said program task, wherein said specification contains one or more conditions to initiate a trace of said program task, as required by independent claims 24, 33, and 35, as amended.

5 Dependent Claims 2-23 and 25-31

Dependent 2-23 and 25-31 were rejected under 35 U.S.C. §102(b) as being anticipated by Laffra et al.

Claims 2-23 and 25-31 are dependent on claims 1 and 24, respectively, and are therefore patentably distinguished over Laffra et al. because of their dependency
10 from amended independent claims 1 and 24 for the reasons set forth above, as well as other elements these claims add in combination to their base claim.

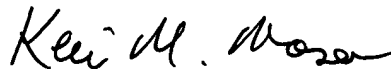
All of the pending claims, i.e., claims 1-35, are in condition for allowance and such favorable action is earnestly solicited.

If any outstanding issues remain, or if the Examiner has any further
15 suggestions for expediting allowance of this application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

The Examiner's attention to this matter is appreciated.

Respectfully submitted,

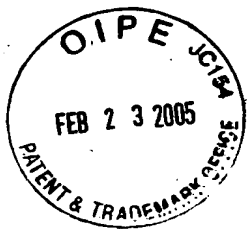
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Annotated Sheet Showing Changes
FIG. 1

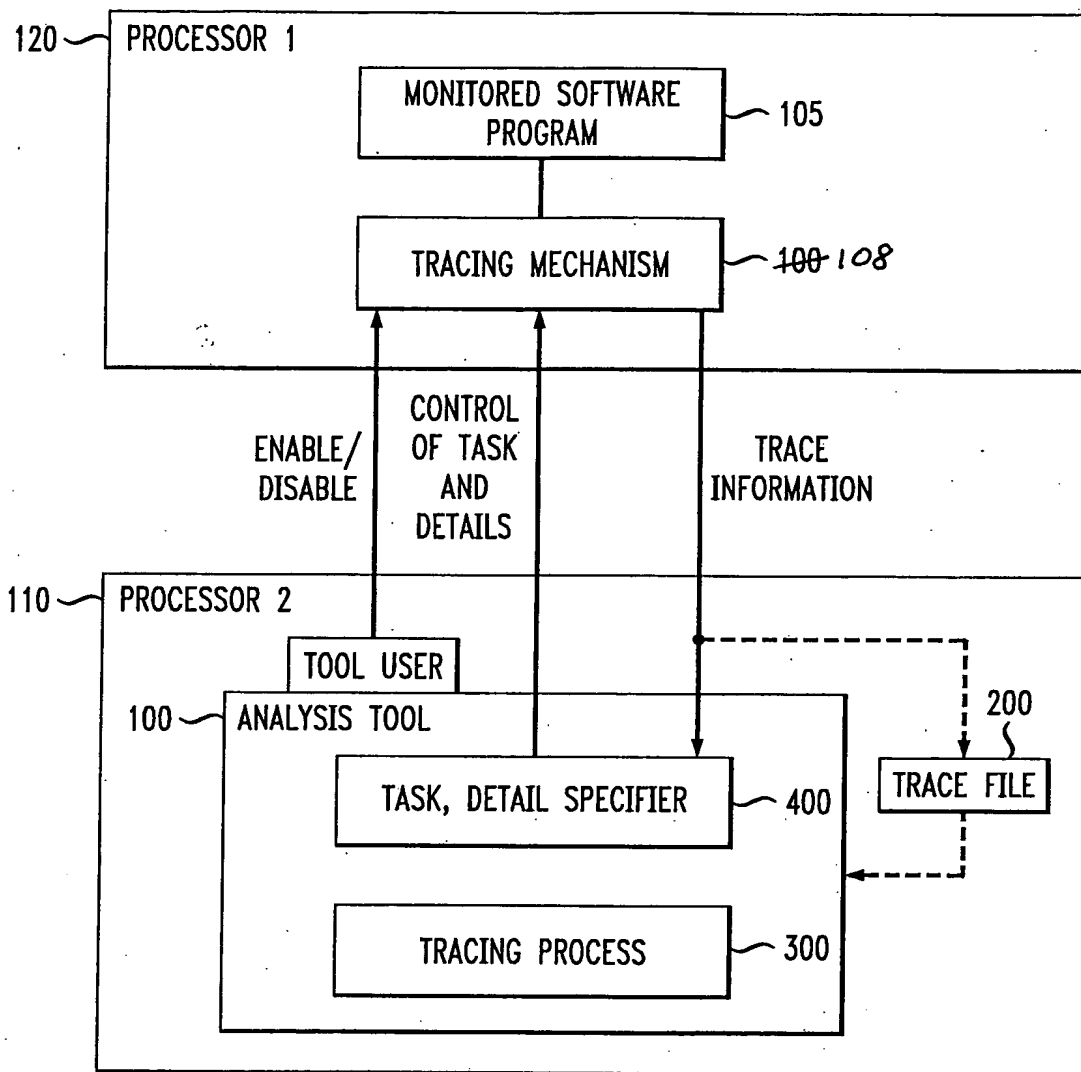


FIG. 2

TRACE FILE - 200

	510 210	520 220	530 230
	EVENT	OBJECT	TIME-STAMP
501	ENTER FOO	5	17
502	EXIT FOO	5	18
	⋮	⋮	⋮
504	CREATE OBJECT	6	20